



County of Fresno

Hall of Records, Rm. 301
2281 Tulare Street
Fresno, California
93721-2198

Legislation Text

File #: 20-1515, **Version:** 1

DATE: January 26, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Common Use Agreement with Alta Irrigation District

RECOMMENDED ACTION(S):

Approve and authorize the Chairman to execute a Common Use Agreement with the Alta Irrigation District to facilitate the Travers Creek Bridge Replacement on Lincoln Avenue, Federal Project No. BRLO-5942(226).

The Travers Creek Bridge Replacement Project on Lincoln Avenue ("Project") is proposed in an area within Alta Irrigation District boundaries. The Common Use Agreement is proposed for the purpose of defining the area within County right-of-way interests that overlap with Alta Irrigation District right-of-way interests. This item pertains to a location in District 4.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended action, the common use area and conditions of use will not be formally defined and recorded, which could impede the current eminent domain proceedings.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. All project costs, currently estimated at \$2.1 million, including staff costs associated with preparation of the Common Use Agreement, are eligible for 100% reimbursement from the Federal Highway Bridge Program.

DISCUSSION:

The Project consists of replacement of the load-limit restricted, structurally deficient timber bridge on Lincoln Avenue over Travers Creek, constructed in 1940 with a concrete box culvert. The Project requires the acquisition of real property interests from portions of five parcels, of which, four have been acquired through negotiations with a Department on-call Real Property Consultant. On November 5, 2019, your Board adopted Resolution No. 19-1194, authorizing County Counsel to institute eminent domain proceedings necessary to acquire a right-of-way interest in the remaining parcel.

The right-of-way interests the County has or will acquire are located within Alta Irrigation District ("District") boundaries and the District holds easements and prescriptive right-of-way interests pursuant to Water Code section 22438 for access to and conveyance of water over, under, across and through, and maintenance of, certain real property known as Travers Creek in Fresno County.

The Common Use Agreement is proposed for the purpose of defining the area within County right-of-way interests that overlap with District right-of-way interests and establish certain conditions under which the area

of common use will be used by the County and the District.

The Common Use Agreement was approved by Alta Irrigation District on December 10, 2020. The Common Use Agreement will be recorded in the Official Records of Fresno County once the right-of-way interest in the final parcel is acquired whether by court order or by settlement of the eminent domain proceedings. Construction is anticipated to commence in 2022.

REFERENCE MATERIAL:

BAI #10, November 5, 2019
BAI #50, October 8, 2019
BAI #08, March 12, 2019
BAI #34, February 12, 2019
BAI #45, October 23, 2018
BAI #47, August 21, 2018
BAI #36, August 25, 2015
BAI #34, September 17, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map
On file with Clerk - Common Use Agreement with Alta Irrigation District

CAO ANALYST:

Samantha Buck